

Senate File 2326

S-5133

1 Amend Senate File 2326 as follows:

2 1. Page 1, by striking lines 1 through 17 and inserting:

3 <Sec. _____. Section 321.477, Code 2018, is amended to read
4 as follows:

5 **321.477 Employees as peace officers — maximum age.**

6 1. The department may designate by resolution certain of its
7 employees upon each of whom there is conferred the authority of
8 a peace officer to enforce all laws of the this state including
9 but not limited to the rules and regulations of the department.
10 Employees designated as peace officers pursuant to this section
11 shall have the same powers, duties, privileges, and immunities
12 conferred by law on peace officers ~~for~~ relating to the
13 enforcement of all laws of this state and the apprehension of
14 violators. The department and the department of public safety
15 shall coordinate to provide effective and efficient enforcement
16 of all laws of this state, including any related regulatory
17 actions.

18 ~~2. Employees designated as peace officers pursuant to this~~
19 ~~section who are assigned to the supervision of the highways~~
20 ~~of this state shall spend the preponderance of their time~~
21 ~~conducting enforcement activities that assure the safe and~~
22 ~~lawful movement and operation of commercial motor vehicles and~~
23 ~~vehicles transporting loads, including but not limited to the~~
24 ~~enforcement of motor vehicle laws relating to the operating~~
25 ~~authority, registration, size, weight, and load of motor~~
26 ~~vehicles and trailers, and registration of a motor carrier's~~
27 ~~interstate transportation service with the department.~~

28 ~~3.~~ 2. Employees designated as peace officers pursuant to
29 this section shall not exercise the general powers of a peace
30 officer within the limits of any city, except as follows:

31 a. When so ordered by the direction of the governor.

32 b. When request is made by the mayor of any city, with the
33 approval of the director.

34 c. When request is made by the sheriff or county attorney of
35 any county, with the approval of the director.

SF2326.4550 (1) 87

(amending this SF 2326 to CONFORM to H-8165)

1 d. While in the pursuit of law violators or in investigating
2 law violations.

3 e. While making any inspection provided by **this chapter**, or
4 any additional inspection ordered by the director.

5 f. When engaged in the investigation and enforcement of laws
6 relating to narcotic, counterfeit, stimulant, and depressant
7 drugs.

8 ~~4.~~ 3. The limitations specified in **subsection 3 2** shall in
9 no way be construed as a limitation on the power of employees
10 designated as peace officers pursuant to **this section** when a
11 public offense is being committed in their presence.

12 ~~5.~~ 4. a. The department shall establish operational
13 requirements to assure that at least ninety percent of all
14 collective enforcement activities performed by employees
15 designated as peace officers pursuant to this section who
16 are assigned to the supervision of the highways of this
17 state shall be devoted to the protection of highway assets
18 and to activities that assure the safe and lawful movement
19 and operation of commercial motor vehicles and vehicles
20 transporting loads, including but not limited to all of the
21 following:

22 (1) The enforcement of motor vehicle laws relating to
23 the operating authority, registration, size, weight, and
24 load of motor vehicles and trailers, and registration of a
25 motor carrier's interstate transportation service with the
26 department.

27 (2) The enforcement of federal motor carrier safety
28 regulations and federal motor carrier hazardous materials
29 regulations as adopted in this chapter and in rules adopted by
30 the department under this chapter.

31 (3) The performance of activities required for
32 participation in the motor carrier safety assistance program
33 and the high priority program administered under 49 C.F.R. pt.
34 350.

35 (4) The control and direction of traffic.

1 (5) The enforcement of motor vehicle laws in road work
2 zones.

3 b. The department shall submit a report to the general
4 assembly on or before December 1 of each year that details the
5 nature and scope of enforcement activities conducted in the
6 previous fiscal year by employees designated as peace officers
7 pursuant to this section who are assigned to the supervision
8 of the highways of this state. The report shall include a
9 comparison of commercial and noncommercial motor vehicle
10 enforcement activities conducted by such employees and any
11 other information necessary to demonstrate the department's
12 compliance with the operational requirements established
13 pursuant to this section.

14 c. The operational requirements established pursuant to
15 this section are intended to assure the effective use of the
16 department's resources. The failure of the department or
17 employees designated as peace officers pursuant to this section
18 to meet the operational requirements shall not be a defense to
19 any charge in the prosecution of a person arrested or issued
20 a citation in lieu of arrest by an employee designated as a
21 peace officer pursuant to this section, and shall not create a
22 private cause of action.

23 ~~6.~~ 5. The maximum age for a person employed as a peace
24 officer pursuant to this section is sixty-five years of age.>

25 2. By renumbering as necessary.

MICHAEL BREITBACH